

R. Collin Middleton, Esq.
Law Offices of R. Collin Middleton, P.C.
P.O. Box 113128
Anchorage, Alaska 99511
Ph: 907-222-0506
Fax: 907-279-7029
Email: collinmiddleton@gci.net

Counsel for Defendant, Koniag, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

OMAR STRATMAN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. A02-0290 CV (JKS)
)	
LEISNOI, INC., KONIAG, INC., and)	
GALE A. NORTON, Secretary of the)	
Interior,)	
)	
Defendants.)	
_____)	

**MOTION TO DISMISS FOR MOOTNESS UNDER ANILCA,
SECTION 1427 AND THE SECRETARY OF INTERIOR'S DECISION**

Koniag, Inc., through its attorney, the Law Offices of R. Collin Middleton, P.C., moves to dismiss Plaintiff's complaint because it is mooted by passage of section 1427 of ANILCA and because the Secretary of Interior, Dirk Kempthorne, so found.

This motion is supported by the Memorandum in Support of Motion to Dismiss Re: Chevron Deference and ANILCA 1427 and Federal Recognized Tribal List Act, and relies additionally upon those arguments made by Leisnoi in its similar motion at Dockets 120 and 121. To the extent this motion relies upon

exhibits presented to the Interior Board of Land Appeals, it may need to be treated as a Summary Judgment Motion under F.R.C.P. 56. See Civil Rule 12(c).

No proposed order is filed pursuant to D. Ak. LR 7.4(a).

DATED at Anchorage, Alaska this 14th day of April, 2007.

LAW OFFICES OF R. COLLIN MIDDLETON

Attorneys for Defendant
Koniag, Inc.

By /s/ R. Collin Middleton

ABA #6803015
Law Offices of R. Collin Middleton, P.C.
P.O. Box 113128
Anchorage, AK 99511
907-222-0506
907-279-7029 – Fax
collinm Middleton@gci.net

Certificate of Service

The undersigned certifies that the foregoing document was served by electronic service on this 14th day of April, 2007.

Bruce M. Landon
Department of Justice
Environment & Natural Resources Division
801 "B" Street, Suite 504
Anchorage, Alaska 99501-3657

John R. Fitzgerald, Esq.
Morrison Mahoney LLP
250 Summer Street
Boston, MA 02210-1181

Michael Schneider, Esq.
880 "N" Street, Suite 202
Anchorage, Alaska 99501

/s/ R. Collin Middleton